

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

FIMBANK PLC, <i>et al.</i>	§	
	§	
<i>Plaintiffs</i>	§	
v.	§	
	§	Civil Action No. 2:19-cv-00264
DISCOVERY INVESTMENT CORP., <i>et al.</i>	§	
	§	
<i>Defendants</i>	§	

NOTICE OF APPEAL

PLEASE TAKE NOTICE that, pursuant to Fed. R. App. Procedure 4 and 28 USC §1292(a)(3), Melinda Maritime Ltd. (“Melinda”) hereby appeals to the United States Fifth Circuit Court of Appeals the order entered by the United States District Court for the Southern District of Texas, Corpus Christi Division, in this action on July 27, 2020. [Doc. No. 162].

The order is appealable as of right pursuant to 28 USC §1292(a)(3) as an interlocutory order in an admiralty case which was dispositive of the rights and liabilities of Melinda as the good-faith purchaser of the M/V SAM EAGLE at judicial auction. The order subject of the appeal denied Melinda’s “Motion to Determine Repatriation and Crew Wages as *Custodia Legis* Expenses” [Doc. No. 158], in which it moved for an order allowing expenses to compensate and repatriate the former crew — who were employed by the former owner at the time of the attachment and thereafter kept aboard the vessel by the seizing creditor — to be paid from the sale funds in the registry of the court as a substitute *res*.

In denying the Motion, the district court not only determined that the crew costs were not *custodia legis* expenses, but also that Melinda, as good-faith purchaser of a vessel from the U.S. Marshal that was warranted to be free and clear of all liens and encumbrances, was liable to pay the expenses of the former crew owed under their prior employment contracts and prior to the delivery of the vessel to Melinda.

Dated: 26 August, 2020

Respectfully submitted,

LAW OFFICE OF WELDER LESHIN

/s/ Dabney Pettus

DABNEY PETTUS (#24033443)

Federal ID No. 29959

800 N Shoreline Blvd Ste 300N

North Tower

Corp Christi, TX 78401

Tel: (361)-561-8000

dpettus@welderleshin.com

mswanson@welderleshin.com

Counsel for Melinda Maritime Ltd.

BARRY & CO, LLC

/s/ Stephen R. Barry

STEPHEN R. BARRY (#24082195)

Federal ID No. 3205201

A Professional Law Corporation

612 Gravier Street

New Orleans, Louisiana 70130

Tel: (504) 525-5553

Fax: (504) 525-1909

sbarry@barrylawco.com

Counsel for Melinda Maritime Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2020, a copy of the foregoing *Notice of Appeal* was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Stephen R. Barry

STEPHEN R. BARRY (#24082195)